

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 4913



Introduced by: Hon. Keith Micah "Atty. Mike" D.L. Tan

AN ACT
INSTITUTIONALIZING THE ASSISTANCE TO INDIVIDUALS IN CRISIS
SITUATION (AICS) PROGRAM OF THE DEPARTMENT OF SOCIAL WELFARE
AND DEVELOPMENT (DSWD), PROVIDING PENALTIES FOR THE VIOLATION
OF CERTAIN UNLAWFUL ACTS, AND APPROPRIATING FUNDS THEREFOR

EXPLANATORY NOTE

The Assistance to Individuals in Crisis Situation (AICS) is a social safety net or a stop-gap mechanism under the Department of Social Welfare and Development (DSWD) to support the recovery of individuals and families from unexpected crisis such as illness or death of a family member, and other crisis situations.

The AICS is part of DSWD's menu under protective services for the poor, marginalized and vulnerable/disadvantaged individuals, which has been implemented by the DSWD for decades as part of its technical assistance and resource augmentation support to local government units (LGUs) and other partners.

It is being implemented by the Crisis Intervention Unit (CIU) of the DSWD, a special unit operating as an action center to immediately respond to cases of individuals and families in crisis situations. The CIU provides integrated services such as immediate rescue and protection, provision of direct financial and material assistance, augmentation during disaster and referrals for immediate medical, legal, psycho-social services.

The CIU also operates through the DSWD Social Welfare and Development Teams in the different provincial clusters in the region which accepts target clienteles categorized as either walk-in, rescued and referred clients such as individuals and families with no adequate means to provide for medical, transportation, burial and other immediate needs, abandoned, abused and exploited adults and children.

Although the LGUs have been empowered under Republic Act No. 7160, also known as the Local Government Code of 1991, to deliver basic social protection and welfare services, the DSWD continuously implements social welfare and development, social protection, and anti-poverty programs and projects such as the AICS, which together with other programs and services is set to be transferred to the LGUs in compliance with the Supreme Court's Mandanas Ruling that directs the increase of National Tax Allotment share of LGUs vis-a-vis with the transfer or devolution of essential services from the national government agencies to LGUs.

In view of the importance of social safety net or a stop-gap mechanism to provide immediate financial relief in times of emergencies to indigents, vulnerable, and disadvantaged, this bill seeks to institutionalize the AICS program of the DSWD to help remedy the country's need for a social protection program that was highlighted by the COVID-19 pandemic.

The bill also seeks the creation of a Crisis Intervention Program Management Office (CIPMO) to ensure the efficient and responsive implementation of the AICS program throughout the country.

Through this initiative, it is hoped that the indigents, vulnerable, and disadvantaged will be given proper assistance in times of need.

A handwritten signature in black ink, appearing to read 'Keith Micah' followed by a stylized flourish.

Keith Micah "Atty. Mike" D.L. Tan
4th District, Quezon

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Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Short Title.* – This Act shall be known as the “Assistance to Individuals in Crisis Situation (AICS) Program Act”.

SEC. 2. *Declaration of Policy.* – It is the policy of the State to promote a just and dynamic social order alleviating the plight of the poor through policies that provide adequate social services and raise the standard of living for the improved quality of life for all. To this end, the State shall provide assistance through projects, programs, and services geared towards alleviating poverty and improving the quality of life of every Filipino, especially the marginalized sector, and disadvantaged individuals and families.

SEC. 3. *Definition of Terms.* – As used in this Act, the following terms shall mean:

a. *Assistive technology* refers to “assistive products” whose primary purpose is to increase, maintain, or improve the functional capabilities of persons with disabilities, to enhance overall well-being and help prevent impairments and secondary health conditions. These include wheelchairs, prostheses, hearing aids, visual aids, and specialized computer software and hardware, or any advancement in technologies that increase mobility, hearing, vision, or communication capacities;

b. *Case management* refers to a process of assessing, planning, managing, coordinating and advocating for services and other interventions used by the Department of Social Welfare and Development (DSWD) to improve the capability

of qualified beneficiaries in addressing their needs;

c. *Cash relief assistance* refers to an outright cash provided to individuals and families that are currently in extremely difficult circumstances such as victims of calamities/disasters, crimes, victims of violence against women and their children, trafficking and repatriated overseas Filipino workers and other similar circumstances;

d. *Crisis situation* refers to a condition of an individual in a stressful situation that impairs psychosocial functioning or participation in socio-economic activities, including access to education, work, and health care, that requires series of interventions to prevent further exposure to vulnerabilities, exploitation or abuse;

e. *Disability support assistance* refers to the monetary support to cover the purchase of assistive products, technologies, provision of sign language interpreter, personal assistant, maintenance medicines and hygiene needs, life support equipment, and other needs of persons with disabilities;

f. *Educational assistance* refers to financial assistance extended to all students to help defray school expenses and/or cost of sending students/children to school such as school fees augmentation, supplies, projects, allowance, and other related expenses, and to eradicate barriers to quality education, including those barriers faced by persons on account of their disabilities;

g. *Financial assistance* refers to monetary support in the form of outright cash, electronic fund transfer, guarantee letter, coupon, check or voucher that has monetary value, including funeral assistance, transportation assistance, medical assistance, educational assistance, training assistance, food assistance, cash relief assistance, and all other types of cash assistance that may be provided under the Program;

h. *Food assistance* refers to assistance to those in need due to human-induced and natural calamities and those experiencing other forms of crisis or displacement, eviction, demolitions or requiring interventions for sector-specific support which include hot meals, food or meal allowance, or the cash equivalent of the required hot meals and/or food packs;

i. *Funeral assistance* refers to help defray funeral and related expenses such as transfer of cadaver, burial site, and other related expenses incurred by the family of the deceased, with consideration to context, cultural, and religious backgrounds;

j. *Guarantee letter* refers to a document duly approved and issued by the DSWD, which ensures the payment of the amount appearing on the document, that the beneficiary presents to any public or government owned or controlled

hospitals or other institutions and to any similar private entity that is willing to provide services;

k. *Material and other in-kind assistance* refer to assistance given to individuals in crisis by providing them food and non-food items, non-financial, and the likes, and may also include other professional assistance available in the DSWD, such as psycho-social support and legal consultation;

l. *Medical assistance* refers to out-of-pocket expense in the form of coupon, stub, guarantee letter, promissory note or voucher that has monetary value, given directly to recipients or beneficiaries to pay for hospitalization expenses, other medical treatments or procedures, and which include birthing procedure, as well as professional fees and consultation fees, purchase of drugs, medicines, goods or other services, prescribed by the physician of a health facility for in- and out-patients;

m. *Persons with disabilities* refer to those who have long-term physical, mental, intellectual or sensory impairments that hinder their full and effective participation on society on an equal basis with others, including cancer patients and persons living with cancer and cancer survivors under Republic Act No. 11215, otherwise known as the "*National Integrated Cancer Control Act*" and persons with rare disease under Republic Act No. 10747, otherwise known as the "*Rare Diseases Act of the Philippines*";

n. *Target beneficiaries* refer to individuals or families who are indigent, financially incapacitated, stateless persons, repatriates, deportees, transients, vulnerable, disadvantaged, or internally displaced persons or in crisis situations based on the assessment of the social workers of the DSWD; and

o. *Transportation assistance* refers to the monetary support to cover the actual cost incurred on land, sea, and air travel, including travel insurance and such other related expenses as facilitated by the social workers of the DSWD.

SEC. 4. *Assistance to Individuals in Crisis Situation (AICS)*. – To effectively respond to the individuals in crisis situation, each qualified target beneficiary shall receive financial, medical, transportation, food, material assistance, and other assistance, to include disability support services including other professional assistance available in the DSWD, such as psychosocial support or intervention for dysfunctional families and their children who need trauma care and management, and legal consultation, based on the assessment of the social workers of the DSWD.

SEC. 5. *Types of Assistance*. – The following are the types of assistance that the target beneficiaries may receive under the Program based on the assessment and recommendation of the social workers, authorized personnel, or any other personnel authorized by the DSWD, duly approved by their authorized officials:

- a. Financial assistance – defined in Section 3, paragraph (g);
- b. Material assistance – a service providing food and non-food items to clients who need immediate material support, such as food packs or vouchers, hygiene or sleeping kits and assistive devices and technologies, subject to its availability;
- c. Psychosocial support service – a service provided by trained or professional psychosocial support workers to help meet the psychological, emotional, and social needs of beneficiaries and their families. It is a set of interventions that intends to positively improve a person's behavior to reduce the impact of stress brought about by a crisis through behavioral modification interventions;
- d. Referral service – a service provided when the requested support is not within the range of services of the Program through coordination and/or endorsement of the beneficiary's case within the DSWD's available programs, projects and services and to other agencies such as to the Department of Education, Commission on Higher Education, Technical Education and Skills Development Authority, Department of Health (DOH), Public Attorney's Office, Philippine Charity Sweepstakes Office, Philippine Amusement and Gaming Corporation, local government units (LGUs) and other government agencies, civil society organizations, and international/non-government organizations; and
- e. Such other services that the DSWD may deem appropriate.

In order to fully meet the medical needs of individuals in crisis situations, particularly, persons with disabilities or people with special needs. The DOH may provide the initial costing per type of disability for the effective assessment of social workers of the DSWD.

Appropriate documentation as provided for in the DSWD AICS Guidelines shall support all disbursements of funds. The DSWD may provide additional assistance or discontinue existing ones as it may deem appropriate.

SEC. 6. Modes of Delivery of Services. – The DSWD shall adopt different modes in order to deliver efficiently, expeditiously and effectively the financial or material assistance, psychosocial support, and referral service to the clients and communities needing assistance 4 from the government such as the following:

- a. Service delivery within the Central or Field Offices;
- b. Setting up of an off-site or satellite venues; and
- c. Extension office of the DSWD for the Program.

Provided, further, That the DSWD may also establish an automated system for processing and releasing the requested assistance. For this purpose, the appropriations needed for the payment of the necessary cash-out fees or other

service fees charged by partner financial institutions shall form part of the DSWD annual budget under the General Appropriations Act.

SEC. 7. *Integrated Program Delivery System.* – To improve the delivery of service to the eligible beneficiaries under the Program, there shall be an established Integrated Program Delivery System.

In keeping with the principle of equitable access, and ensuring that access to the AICS is maximized, a mechanism for real-time data sharing between the DSWD and the LGUs shall be institutionalized, subject to the statutory limitations under the Data Privacy Act of 2012. Under this mechanism, concerned agencies such as the Philippine Statistics Authority, DOH-Malasakit Centers, and LGUs may share information from a centralized database in order to identify the assistance given to the Program's eligible beneficiary, for purposes of assistance augmentation and to prevent a possible abuse of the assistance given to those in crisis situations.

SEC. 8. *Crisis Intervention Office/Division/Unit.* – To ensure effective and efficient delivery of services to the clients, there shall exist a Crisis Intervention Office (CIO) at the Central Office, Crisis Intervention Divisions at the field offices, and Crisis Intervention Units at the Social Welfare and Development satellite offices of the DSWD that shall ensure that the Program, as enterprise information system, provided herein, is properly implemented, monitored, and evaluated nationwide. The office shall monitor and evaluate the implementation of AICS Program and prepare the monitoring and evaluation report for submission to the Secretary of the DSWD. The monitoring and evaluation report must be available and accessible to any stakeholder at the national, regional, and local levels.

SEC. 9. *Personnel Complement.* – The Secretary of the DSWD, in coordination with the CIO Director at the Central Office and Regional Offices, shall determine the additional positions required for the implementation of the program in accordance with the revised compensation and position classification system subject to the evaluation and approval of the Department of Budget and Management and in compliance with the civil service laws, rules and regulations, and other pertinent laws.

SEC. 10. *Program Monitoring and Evaluation.* – The DSWD shall conduct monitoring and evaluation to assess the responsiveness of the Program through the use of applicable indicators, frameworks, models, and tools, including a client/stakeholder's feedback mechanism, among others, and the establishment of standard reporting templates and procedures in consonance to applicable laws, rules, and regulations.

SEC. 11. *Program Transparency and Reporting.* – The DSWD shall annually publish a full report of the Program covering the implementation of the previous

fiscal year and/or timely post and update periodically on the DSWD website a report of financial disclosures and information about beneficiaries based on geographical area and sectoral category subject to the provisions of Republic Act No. 10173, or the "Data Privacy Act of 2012."

SEC. 12. Unlawful Acts. –

- a. It shall be unlawful for the officials or employees of LGUs, their agents, representatives or relatives within the fourth civil degree of consanguinity or affinity to interfere, in any manner, in the implementation or delivery of AICS services or funds to qualified beneficiaries;
- b. Likewise, it shall be unlawful for any individual or organization to commit the following acts:
 - (i) Defraud the government by issuing or presenting falsified or misleading documents, or using false pretenses or other fraudulent acts to acquire the assistance provided under this Act;
 - (ii) Coerce, invite, encourage or assist persons to seek assistance from the DSWD for purposes of acquiring from the beneficiary a portion of the assistance, before or after the receipt of assistance;
 - (iii) Mislead an individual or group to join, pay or cooperate with a group falsely representing connection or affiliation with DSWD or falsely promising priority in the processing of assistance.

SEC. 13. Penalties. –

- a. Any of the specified person who committed the unlawful act under Section 13 (a) of this Act shall be punished by imprisonment of six (6) months. If the offender is an official or employee of a LGU, the official or employee shall also be held administratively liable;
- b. Any person, group or organization who commit the unlawful acts under Section 13 (b) of this Act shall be punished by:
 - (i) For the First Offense- one (1) year suspension from availing any assistance from the DSWD; and
 - (ii) For the Second Offense – imprisonment of not less than one (1) year but not more than six (6) years.

If the offender is an organization, the president, manager, or any officer of the organization who participated in the commission of the acts enumerated above or benefited therefrom, or both, shall be held liable and shall be punished by imprisonment of not less than six (6) years but not more than ten (10) years. This is without prejudice to any action against the organization or corporation

before appropriate government agency.

Conspiracy to commit the foregoing unlawful acts shall be penalized by the same penalty prescribed under this Section.

In all circumstances, the government shall be authorized to prosecute or to file cases on behalf of the private individual defrauded and damaged by the aforementioned acts.

Any person who was coerced, invited, encouraged or misled while committing the crimes above, or any person who has witnessed or has knowledge or information on the commission of the crime and has testified or is testifying or about to testify before any judicial or quasi-judicial body, or before any investigating authority, may be admitted into the witness protection program: Provided, That to become a state witness for this crime, the said person shall not be the most guilty.

A public official or personnel who commits, abets, or aids in the commission of any of the Unlawful Acts provided herein shall be liable under the Revised Penal Code and other existing penal laws. Administrative sanctions shall be imposed without prejudice to prosecution in the proper courts.

SEC. 14. *Cash Equivalents.* – It shall be mandatory for any public or private entity that provides services under this Program to accept the guarantee letter, coupon, check or voucher issued by the DSWD as full or partial payment of the obligation of the qualified beneficiary.

The DSWD must, within three (3) months from the date of acceptance, pay the public or private entity of the amount appearing on the guarantee letter, coupon, or voucher.

SEC. 15. *Joint Congressional Oversight Committee.* – A congressional oversight committee is constituted to monitor, set the overall framework, and review the implementation of this Act. The committee shall determine the inherent weaknesses in the law and recommend necessary remedial legislation or executive measures.

The oversight committee is composed of five (5) Senators and five (5) Representatives to be appointed by the Senate President and the Speaker of the House of Representatives, respectively, and co-chaired by the Chairpersons of the Committee on Social Justice, Welfare and Rural Development of the Senate and the Committee on Social Services of the House of Representatives. The four (4) other members from the Senate and House of Representatives shall be composed of three (3) members from each of the aforementioned committees, and one (1) from the minority.

For purposes of determining remedial legislation, the oversight committee shall, within two (2) years after the effectivity of this Act, conduct a review which shall include a systematic evaluation of the impact of this Act, accomplishments of the program, and the performance of the implementing agencies.

SEC. 16. *Implementing Rules and Regulations.* – Within six (6) months from the effectivity of this Act, the Secretary of the DSWD, in consultation with the Secretary of the Department of Health and the Commission on Audit, promulgate the necessary rules and regulations to carry out the provisions of this Act.

SEC. 17. *Appropriations.* – The amount necessary for the initial implementation of this Act shall be charged against the current year's appropriations of DSWD. Thereafter, such amount necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 18. *Separability Clause.* – If any provision or part of this Act is held invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

SEC. 19. *Repealing Clause.* - All laws, presidential decrees or issuances, executive orders, letter of instructions, administrative orders, rules and regulations contrary to or inconsistent with the provisions of this Act are hereby amended, repealed or modified accordingly.

SEC. 20. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,